Complaint regarding Coimisiún na Meán (Ref: CAS-05185) - Procedural Refusal to Assess Illegal Content

1 message

My Darkest Hearts <bmaioho@gmail.com> Sun, Nov 30, 2025 at 6:23 AM
To: ombudsman@ombudsman.ie

To the Office of the Ombudsman,

My name is Barrett KGK Maioho. I am an independent security researcher. I am writing to formally request a review of a decision made by Coimisiún na Meán (Case Ref: CAS-05185) on November 28, 2025.
I believe the Commission has unfairly refused to process a critical report regarding illegal content generated by a Very Large Online Platform (Google Gemini), leaving a significant public safety risk unaddressed due to a procedural technicality.
1. The Background
On June 19, 2025, my security audit documented that Google's "Gemini" AI system is capable of generating graphic Child Sexual Abuse Material (CSAM) and non-consensual sexual violence. This occurred less than 48 hours after Google publicly claimed to have deployed safety classifiers to prevent this specific harm.
2. Why I Escalated to the Regulator (Exhaustion of Remedies)
I attempted to follow responsible disclosure protocols. However, on May 13, 2025, Google terminated my participation in their Vulnerability Reward Program following my previous reports of safety flaws (see attached: VRP Retaliatory Termination). Because the company explicitly blocked me from submitting further reports, I had no internal avenue to address this severe new risk.
3. The Commission's Decision
I submitted this forensic evidence to Coimisiún na Meán, as they are the Digital Services Coordinator of Establishment for Google Ireland Limited.
On November 28, 2025, the Commission closed my case, stating they were "unable to process" the report solely because I am located in the United States. They cited Article 53 of the DSA as the reason for this refusal.
4. The Grounds for Review
I respectfully submit that this decision constitutes maladministration for the following reasons:
Public Safety vs. Geography: While Article 53 outlines the rights of EU recipients, the DSA does not forbid the Digital Services Coordinator from accepting credible intelligence regarding illegal content (Article 16) or systemic risks (Article 34) from third parties.
Regulatory Gap: By refusing to view the attached evidence of CSAM generation, the Commission has created a situation where an Irish-established platform is operating with a known safety failure that no one is policing. The company blocked the researcher, and the regulator is blocking the report.
5. Resolution Sought
I am asking the Ombudsman to recommend that Coimisiún na Meán reopen Case CAS-05185 and formally assess the attached forensic evidence on its merits, rather than dismissing it based on my residency. The safety of children should take precedence over bureaucratic intake criteria.
Thank you for your time and assistance in this matter.

Sincerely,

Barrett KGK Maioho

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3 attachments

The DECIDING REPLY RE_ URGENT_ FORMAL DSA NOTICE OF ILLEGAL CONTENT & ARTICLE 5 VIOLATION - Google Gemini (Ref_ CAS-05185).PDF
357 KB

CSAM Geminis Egregious generation Jun192025 REDACTED.pdf
2.7 MB

VRP RETALIATORY TERMINATION CONFIRMATION (1).PDF
350 KB